

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

MICHAEL T. MANUEL,)	No. ED95912
Movant/Appellant,)	Appeal from the Circuit Court
v.)	of St. Louis County
STATE OF MISSOURI,)	Honorable Richard C. Bresnahan
Respondent/Respondent.)	Date: October 25, 2011

Movant, Michael T. Manuel, appeals from a judgment denying his Rule 29.15 motion for post-conviction relief without an evidentiary hearing.

VACATED AND REMANDED WITH DIRECTIONS TO DISMISS.

Division Two Holds:

1. Movant's failure to timely file his *pro se* Rule 29.15 motion constitutes a complete waiver of any right to proceed under Rule 29.15.
2. Even though time constraints of Rule 29.15 are no longer considered to be a jurisdictional prerequisite, the time limits of Rule 29.15 must still be enforced.
3. Movant did not show that circumstances beyond his control relieved him of the duty to file a timely Rule 29.15 motion.

Opinion by: Kathianne Knaup Crane, P. J.
Lawrence E. Mooney, J. and Kenneth M. Romines, J., concur.

Attorney for Appellant: Jessica M. Hathaway

Attorneys for Respondent: Chris Koster and John M. Reeves

<p>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</p>
